



Sen. Michael W. Frerichs

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09500SB1553sam001

LRB095 10888 AMC 32984 a

1 AMENDMENT TO SENATE BILL 1553

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1553 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Section 4-112 as follows:

6 (40 ILCS 5/4-112) (from Ch. 108 1/2, par. 4-112)

7 Sec. 4-112. Determination of disability; restoration -  
8 Restoration to active service; disability cannot constitute  
9 cause for discharge. A disability pension shall not be paid  
10 until disability has been established by the board by  
11 examinations of the firefighter at pension fund expense by 3  
12 physicians selected by the board and such other evidence as the  
13 board deems necessary. The 3 physicians selected by the board  
14 need not agree as to the existence of any disability or the  
15 nature and extent of a disability. Medical examination of a  
16 firefighter receiving a disability pension shall be made at

1 least once each year prior to attainment of age 50 in order to  
2 verify continuance of disability. No examination shall be  
3 required after age 50. No physical or mental disability that  
4 constitutes, in whole or in part, the basis of an application  
5 for benefits under this Article may be used, in whole or in  
6 part, by any municipality or fire protection district employing  
7 firefighters, emergency medical technicians, or paramedics as  
8 cause for discharge.

9 Upon satisfactory proof to the board that a firefighter on  
10 the disability pension has recovered from disability, the board  
11 shall terminate the disability pension. The firefighter shall  
12 report to the marshal or chief of the fire department, who  
13 shall thereupon order immediate reinstatement into active  
14 service, and the municipality shall immediately return the  
15 firefighter to its payroll, in the same rank or grade held at  
16 the date he or she was placed on disability pension. If the  
17 firefighter must file a civil action against the municipality  
18 to enforce his or her mandated return to payroll under this  
19 paragraph, then the firefighter is entitled to recovery of  
20 reasonable court costs and attorney's fees.

21 The firefighter shall be entitled to 10 days notice before  
22 any hearing or meeting of the board at which the question of  
23 his or her disability is to be considered, and shall have the  
24 right to be present at any such hearing or meeting, and to be  
25 represented by counsel; however, the board shall not have any  
26 obligation to provide such fireman with counsel.

1 (Source: P.A. 83-1528.)

2 Section 90. The State Mandates Act is amended by adding  
3 Section 8.31 as follows:

4 (30 ILCS 805/8.31 new)

5 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
6 of this Act, no reimbursement by the State is required for the  
7 implementation of any mandate created by this amendatory Act of  
8 the 95th General Assembly.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".